

#### IV. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

No amendments to the specification or claims are made herein.

Claims 1-21 are pending. Claims 1, 7 and 15 are independent.

In Paragraph 2 of the Official Action, the Examiner rejected Claims 1-21 under 35 U.S.C. §102(e) as being purportedly anticipated by United States patent 6,057,917 [Petersen et al. (Peterson)]. This rejection is traversed. Reconsideration is requested in light of the following remarks.

Enclosed herewith the Declaration of (sole) inventor Michael Sasges (“the Sasges Declaration”) under 37 C.F.R. §1.131.

The Sasges Declaration evidences that, prior to February 26, 1999, Michael Sasges conceived:

- an invention directed to an ultraviolet light fluid sterilizing apparatus including: at least one ultraviolet light source configured to irradiate a fluid with ultraviolet light to sterilize the fluid; an ultraviolet light sensitive silicon carbide photodiode, said photodiode capable of generating a signal proportional to the intensity of ultraviolet

light detected by said photodiode; and a sealed outer housing comprising an optically transparent window, said silicon carbide photodiode located inside said housing and adjacent said transparent window (see Claim 1);

- an invention directed to ultraviolet light fluid sterilization apparatus including: a fluid chamber; at least one ultraviolet light source configured to emit ultraviolet light into said fluid chamber; and at least one ultraviolet light sensor comprising a silicon carbide photodiode (see Claim 7); and
- an invention direct to a method of sterilizing a fluid utilizing an ultraviolet light fluid sterilization apparatus, the sterilization apparatus including a fluid chamber, at least one ultraviolet light source, and at least one ultraviolet light sensor, each ultraviolet light source configured to emit ultraviolet light into the fluid chamber, and each ultraviolet light sensor comprising a silicon carbide photodiode, said method including the steps of: flowing a fluid into the chamber of the ultraviolet light sterilization apparatus; irradiating the fluid with ultraviolet light from the at least one ultraviolet light source of the sterilization apparatus; measuring the intensity of the ultraviolet light in the fluid chamber with the ultraviolet light sensor; sensing an output signal from the ultraviolet light sensor with the controller; and adjusting the level of ultraviolet light intensity in the chamber with an output signal from the controller to the light source (see Claim 15).

The Sasges Declaration further evidences that during the period from a date

prior to February 26, 1999 up until the filing date of the present application (i.e., May 2, 2001), Michael Sasges diligently continued to work to refine the subject matter of the inventions referred to in the previous paragraph and recited in independent Claims 1, 7 and 15.

Accordingly, it is respectfully submitted that Peterson is not based on an application before the invention by Applicant as is required under 35 U.S.C. §102(e). The Examiner is requested to reconsider and withdraw the rejection of Claims 1-21 under 35 U.S.C. §102(e) as being purportedly anticipated by Petersen.

In view of the above remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned may be reached in by telephone at (416) 862-5775. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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